

## LAW ON ENVIRONMENT

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Pursuant to Article 82 paragraph 1 item 2 of the Constitution of Montenegro and Amendment IV paragraph 1 to the Constitution of Montenegro, the Parliament of Montenegro of the 25th convocation, at the 10th sitting of the first regular (spring) session in 2016, on 28 July 2016, has adopted the:

## THE LAW ON ENVIRONMENT <sup>1</sup>

### I BASIC PROVISIONS

#### Subject Matter of the Law

##### Article 1

This Law shall regulate environmental protection and sustainable development principles, instruments and measures of environmental protection and other issues relevant to the environment.

#### Definition of Environment

##### Article 2

Environment shall be a space i.e. natural environment, air, land, water, and sea, plants and animals, occurrences and activities: climate, ionizing and non-ionizing radiation, noise and vibrations, as well

as man-made environment: towns and other settlements, cultural and historical heritage, infrastructural, industrial and other facilities.

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<sup>1</sup> Official Gazette of Montenegro, no. 052/16 of 09.08.2016, 073/19 of 27.12.2019, 073/19 of 27.12.2019

## **Integrated Environmental Protection System**

### **Article 3**

Integrated environmental protection system shall ensure the full conservation of the quality of the environment, conservation of biological and landscape diversity, rational exploitation of natural resources and energy in an environmentally friendly way as the basic condition for sustainable development.

Integrated environmental protection system shall consist of measures, requirements and instruments for:

- sustainable management, preservation of natural balance, integrity, diversity and quality of natural values and requirements for survival of all living beings; and
- prevention, control, decrease and remediation of all types of environmental pollution.

Integrated environmental protection management shall be a set of related and harmonized decisions and measures for achieving homogeneous protection of the environment, avoiding and reducing threats to the environment, as well as improving and achieving efficient environmental protection.

Integrated environmental management shall ensure sustainable development in accordance with this Law and separate regulations.

## **Purpose of Environmental Protection**

### **Article 4**

Environmental protection shall be implemented for the purpose of:

- 1) protecting human lives and health;
- 2) protecting flora, fauna and biological and landscape diversity, as well as preserving ecological stability;
- 3) protecting and improving the quality of specific environmental segments;
- 4) protecting the ozone layer and mitigating climate changes;
- 5) protecting and rehabilitating cultural and aesthetic values of the landscape;
- 6) preventing and reducing environmental pollution;
- 7) sustainable exploitation of natural resources;
- 8) rational exploitation of energy and stimulation of the use of renewable energy resources;
- 9) eliminating the effects of environmental pollution;
- 10) improvement of disrupted natural balance and reinstatement of its regenerative capacities;
- 11) achieving sustainable production and consumption;
- 12) reducing the use of and substitution of hazardous and dangerous chemical substances that may endanger the environment and human health;
- 13) sustainable exploitation of natural resources without causing major damage to, and endangering the environment; and
- 14) improving the state of the environment and ensuring healthy environment.

Objectives referred to in paragraph 1 of this Article shall be achieved through the implementation of environmental protection principles, instruments and measures by this Law and separate regulations.

## **Environmental Protection Principles**

### **Article 5**

Environmental protection principles shall be as follows:

1) sustainable development principle:

a) the Parliament of Montenegro (hereinafter referred to as the “Parliament”), Government of Montenegro (hereinafter referred to as the “Government”), and local self-governments shall, within their competences, promote sustainable development when adopting and passing strategies, plans, programmes, and regulations;

b) for the purpose of achieving sustainable development, the requirements regarding environmental protection prescribed by this Law and separate regulations must be integrated in preparations and implementation of established policies and activities in all areas of economic and social development;

2) integrated approach to environmental protection principle:

a) integrated approach to environmental protection prevents, i.e. reduces the threat to the environment as a whole to the minimal level;

b) requirements for the high level of environmental protection and enhancement of the quality of the environment must be integral part of all concepts aiming to achieve balanced economic development and shall be ensured in accordance with sustainable development principle;

3) conservation of natural resources principle:

a) natural resources shall be used under terms and in manner that provides conservation of geodiversity and biodiversity values, as well as the values of protected natural assets and regions;

b) renewable natural resources shall be used under terms that provide their permanent and efficient renewal and constant enhancement of quality;

c) non-renewable natural resources shall be used under terms that provide their long-term economical and rational exploitation, including the limitation on the exploitation of strategic or rare natural resources and their substitution with other available resources, and composite or artificial materials;

4) cooperation principle:

a) sustainable development shall be achieved through the cooperation and joint activities of the Parliament, the Government, and local self-governments, as well as all other participants within their competences and liabilities, for the purpose of environmental protection;

b) the State shall ensure the cooperation and solidarity in resolving global and interstate environmental protection issues, particularly through international treaties, cooperation with other countries and conclusion of appropriate agreements, as well as by notifying other countries of cross-border impacts on the environment and ecological incidents, and by exchanging environmental information at the international level;

c) the Government and local self-governments shall, within the scope of their competences, participate jointly and with solidarity in the implementation of

environmental protection, in order to ensure the implementation of efficient environmental protection measures in their area;

- 5) "polluter pays" principle:
  - a) legal or natural person that caused damage to environment or immediate threat of damage shall pay damages and bear the costs of repairing the damage in accordance with law;
- 6) "beneficiary pays" principle:
  - a) any person using natural resources shall cover the cost of their usage and recultivation of land in accordance with law;
- 7) compulsory insurance principle:
  - a) legal and natural person that performs business or activities that pose a threat to the environment and human health shall maintain insurance to cover the liability for potential damage caused by pollution;
- 8) prevention principle:
  - a) each activity must be planned and implemented so as to: cause minimal changes to the environment, i.e. to pose minimal threat to the environment and human health; reduce the strain on land and consumption of raw materials and energy in development, as well as in production, distribution, and use; include recycling capacities; prevent or limit the impact on the environment at the very source of the pollution;
- 9) precaution principle:
  - a) when it is not certain what effects a potential undertaking may have, all available procedures regarding the estimate of anticipated impacts, and preventive measures, must be implemented in order to avoid negative effects on human health and the environment;
  - b) when there is a threat of actual and irreparable damage to human health and the environment, the undertaking of necessary safety measures shall not be delayed, even if there is no complete scientific evidence for such threat;
  - c) the activity and/or undertaking for which there is scientific evidence or supposed probability of harmful and permanently harmful impact on the environment shall be abandoned, i.e. shall not be carried out;
- 10) subsidiary liability principle:
  - a) the State shall eliminate the effects of environmental pollution and minimize the damage in cases when the polluter is not identified, as well as when the damage is caused by environmental pollution originating from sources outside the state territory;
- 11) incentives application principle:
  - a) state and local self-government bodies shall, within their competences, stimulate the activities regarding environmental protection that prevent or reduce the environmental pollution, as well as the undertakings in the environment that reduce the use of substances, raw materials and energy, minimize environmental pollution or exploit the environment within acceptable limits;
- 12) access to information and public participation principle:
  - a) any person has the right to be informed of the state of the environment and to participate in the decision-making process whose implementation may have an impact on the environment;

- b) information on the state of the environment is public;
- 13) protection of the right to sound environment principle and access to justice principle:
  - a) citizens or groups of citizens, their associations, professional or other organisation shall have the possibility to impact decision-making on matters important to environment and legal protection before competent authorities and courts.

## **Separate Laws**

### **Article 6**

Environmental protection and sustainable development shall be regulated by this Law and separate laws regulating specific environmental segments as follows:

- 1) environmental impact assessment of plans, programmes and projects;
- 2) liability for environmental damage;
- 3) integrated pollution prevention and control;
- 4) protection of nature;
- 5) protection of air, waters, sea, land, forests and geological resources;
- 6) chemicals;
- 7) waste management;
- 8) protection of climate change negative impacts;
- 9) ionizing and non-ionizing radiation;
- 10) noise protection.

## **Definitions**

### **Article 7**

For the purposes of this Law, the following definitions shall apply:

- 1) biodiversity (biological diversity) shall be the diversity of living organisms of all ecosystems, as well as the diversity within a species and between species and their living communities;
- 2) environmental degradation shall be the process of reducing the quality of the environment which occurs due to natural or human activity, or which is the consequence of inaction on eliminating the causes of the reduction of quality or damage to the environment and natural or man-made values;
- 3) domino effect shall be a series of connected effects that, due to their disposition and vicinity of a plant, or parts of the plant, or a group of plants, and the quantity of hazardous substances in those plants, increase the possibility of an incident or aggravate the consequences of an incident;
- 4) persistent organic pollutants (POPs) shall be organic compounds which:
  - a) have toxic traits;
  - b) are resistant to degradation;
  - c) are bioaccumulative;
  - d) are transferred through atmosphere and settled in long distances; and
  - e) adversely affect human health and the environment closely and far from the source of its emergence;

- 5) ecosystem shall be the dynamic community of living things (biocenosis) and habitats (biotopes) that interact in a certain area;
- 6) emission shall be the release of pollutants and/or energy into the environment and its segments;
- 7) geologic carbon sequestration shall be an ecologically acceptable manner of storing carbon monoxide underground, for the purpose of eliminating or minimizing risks to the environment and human health;
- 8) polluting substance limit values shall be the level of polluting substances determined on the basis of scientific findings aimed at avoiding, preventing or decreasing harmful effects to human health and/or environment as a whole, that should be achieved in a certain timeline and which, after being achieved, cannot be exceeded;
- 9) integrated coastal area management shall be the process of sustainable management and use of coastal areas taking into account the sensitivity of coastal ecosystems, areas, diversity of activities and their use and mutual action and impact to sea and land;
- 10) imissions shall be a concentration of pollutants and/or levels of energy in environment, used to assess the quality of environment;
- 11) information on environment owned by the public administration authorities, administration authorities or local self-government authorities shall be the information prepared or received by another authority or third person;
- 12) information on the environment shall be any information regarding the environment in writing, visual, audio, electronic or any other available for;
- 13) the public shall be one or more natural or legal persons, their associations, organizations or groups;
- 14) environmental capacity shall mean the ability of the environment or its part to receive certain quantity of pollutants per unit of time and to turn it into a non-hazardous form or dispose of it permanently, so that no irreparable damage (pollution) occurs;
- 15) Polluter Register shall mean the register of all types of environmental polluters containing data on their location, production processes, pollutants that are used as raw material or are formed as semi-manufactured product, product, or by-product, timetable of pollutant discharge, discharge locations, and method and procedure of their disposal;
- 16) compound shall be a space controlled by the operator with the presence of dangerous substances in one or several facilities, including individual or joint infrastructure or individual or joint activities;
- 17) environmental quality shall mean the state of the environment, i.e. environmental segments which are the result of the influence of natural occurrences and human activities and which is manifested in physical, chemical, biological, aesthetic and other indicators;
- 18) monitoring shall mean systematic and regular observation, measurement and evaluation of the environmental parameters (water, air, soil, biodiversity, etc.) and the changes of the quality and quantity of the environment, emission of pollutants and exploitation of natural resources;
- 19) marine ecosystem shall be an aquatic environment that needs to be preserved and protected aimed at maintaining biodiversity and ensuring variety and dynamics of the process happening in seas and oceans;

- 20) coastline shall be an area of land limited by a line which is reached by the the tallest wave during most severe weather as well as a part of land six meters wide, from the line horizontally distant from the line reached by the tallest wave and during the most severe weather from the coastal line;
- 21) best available techniques (BAT) shall be the most effective and advanced stages in development of activities and their methods of operation, indicating the practical suitability of particular techniques for providing the basis for emission limit values and other permit conditions designed to prevent and, where this is not practicable, to reduce emissions and the impact on the environment as a whole;
- 22) sustainable development shall mean economic and social development of the society, which meets the needs of present and future generations at the same time and enables long-term conservation of the environmental quality and biological and landscape diversity;
- 23) sustainable management shall mean the exploitation of natural resources that does not reduce the quality and the quantity of the overall resource values, but maintains and enhances their potential;
- 24) hazardous substance shall mean the substance or the blend as defined by regulations, which is present in a plant as raw material, product, by-product or semi-manufactured product, including those substances that may emerge in case of incident;
- 25) waste shall mean any substance or object discarded by its owner or which the owner is obliged to discard;
- 26) operator shall be a business entity, entrepreneur or other legal entity that manages an installation or a compound or controls it or has authorisation for making economic decisions in the area of technical functioning of the installation;
- 27) load shall mean emissions of harmful substances, physical and biological factors (energy, noise, heat, light, etc.), as well as activities that endanger or may endanger certain environmental segments;
- 28) environmental encumbering shall mean any undertaking or the effect of the undertaking on the environment or the impact of certain activity on the environment, which alone or in connection with other activities may cause or could have caused environmental pollution, reduction of the environmental quality, damage to the environment and threat to the environment or use of the environment;
- 29) landscape shall be a locality of a certain visual experience, the structure and character of which are a result of interaction of natural and anthropogenic elements;
- 30) natural occurrence shall be a physical and chemical process, radiation, geological occurrence, hydrographic and biological conditions, conditions of the climate as well as other natural occurrence, caused and/or affect changes in the environment;
- 31) natural resources shall mean parts of living or inanimate nature that are used or may be used by man in order to meet his needs;
- 32) natural asset shall be the preserved part of the nature, which has a lasting ecological, scientific, cultural, educational, health and recreational, touristic and other importance;
- 33) threat shall be the certain level of probability that an activity, either directly or indirectly, in a certain time period or under certain circumstances may endanger the environment and human lives and health;

- 34) seveso installation shall be an installation where activities are carried out in which one or more hazardous substances are present or could be present, or a technical unit within an establishment in which dangerous substances are produced, used, handled or stored, including all the equipment, structures, pipework, machinery, tools, private railway sidings, docks, unloading quays serving the installation, jetties, warehouses or similar structures, floating or otherwise, necessary for the operation of that installation;
- 35) environmental quality standard shall mean the prescribed quality or the set of requirements of the environment or specific environmental segments that must be met in a certain timeline;
- 36) incident shall mean the unforeseen and uncontrolled event in the environment or the significant emission of one or more hazardous substances, i.e. their compounds into the environment;
- 37) undertaking shall mean any operation or activity which may cause temporary or permanent degradation of the environment, and which refer to the use of land, construction or reconstruction of facilities, replacement and introduction of new technologies, exploitation of natural resources and execution of other works;
- 38) polluter shall mean any business organisation, entrepreneur or other legal person whose direct or indirect activity or omission of activity causes or may cause environmental pollution and/or which is registered in the Registry of polluters;
- 39) environmental pollution shall mean the introduction of polluting substances or energy into the environment caused by human activity or natural processes that has or may have harmful effects on environmental quality and human health;
- 40) pollutants shall mean any natural or artificial substances, as well as occurrences and activities, that disrupt the natural composition, features, or integrity of the environment as a whole;
- 41) interested public shall be the public affected or expected to be affected by the decision-making process on environmental issues, including NGOs dealing with environmental protection;
- 42) environmental protection shall mean a set of activities, measures, conditions and instruments used to monitor, prevent, mitigate, and limit environmental pollution, preserve and maintain natural balance and ensure sustainable use and enhancement of natural and man-made values;
- 43) protected natural asset shall mean the natural asset which enjoys special protection due to its specific values and features (geo-diversity, biodiversity, regions, landscape, etc.).

## **II. ENVIRONMENTAL PROTECTION SUBJECTS**

### **Liabilities of Subjects**

#### **Article 8**

The environmental protection shall, within the scope of their rights and duties, be ensured by: public administration authorities, local self-government units, legal and natural persons, NGOs, citizens and associations of citizens (hereinafter referred to as: "subjects")

Within the scope of their rights and duties, the subjects shall ensure the control and prevention of any kind of pollution and degradation of the environment, i.e. their reduction to the minimal degree, as well as the rehabilitation and reconstruction of parts or segments of the environment whose quality is damaged due to the pollution and other



kinds of degradation, thus providing for sustainable use of natural resources as the basic precondition for sustainable development.

The environmental protection subjects shall cooperate and maintain mutual communication in accordance with separate regulations.

The state shall specifically protect the environment.

## **Liabilities of Legal and Natural Persons**

### **Article 9**

Any legal and natural person shall ensure environmental protection in performing their activities by:

- sustainable use of natural resources, assets and energy;
- introduction of energy efficient technologies and use of renewable natural resources;
- using environmentally friendly products, processes and technologies;
- undertaking preventive measures and repairing the consequences of damage and endangerment of the environment;
- controlling the activities and operation of plants that may pose a threat or endanger the environment and human health; and
- other measures in accordance with the law.

## **Performance of Activities**

### **Article 10**

In the performance of their activities, national and foreign legal and natural persons shall ensure the rational use of natural resources, incorporation of environmental protection costs within investment and production costs, and implementation of regulations, i.e. undertaking of environmental protection measures in accordance with this Law and other regulations.

## **Competences of the Ministry**

### **Article 11**

Public administration authority responsible for environmental affairs (hereinafter referred to as: "the Ministry") shall perform the affairs that refer to proposing policies and system of environmental and climate change protection and improvement, cooperate with NGOs dealing with environmental protection, determine, coordinate and supervise the implementation of the environmental quality protection and improvement, coordinate the development and implementation of environmental strategies, carry out international cooperation, including the cooperation with the European Commission and exchange of environmental data.

## **Competences of the Administration Authority**

### **Article 12**

Technical and related administrative affairs in the environmental area shall be carried out by the authority competent for environmental protection affairs (hereinafter referred to as: "the Agency").

The Agency shall perform the following affairs:

- organise and carry out environmental protection monitoring;

- establish, carry out and coordinate the unique information system of environmental protection;
- submit reports on the status of environment, as well as occurrences and events significant for the environmental quality;
- establish cooperation and communication with relevant national and international bodies and organizations in the environmental area;
- keep the register of polluters;
- implement environmental protection and international agreements from the competence of this authority.

### **Competences of the Local Self-government**

#### **Article 13**

Local self-government shall carry out affairs related to the establishment of the system of environmental protection and improvement on its territory, proposing and carrying out measures, development and monitoring the implementation of plans, approved programmes and projects in the environmental protection area.

### **Non-governmental Organizations**

#### **Article 14**

Non-governmental organizations shall participate in the conservation of the environment in accordance with their programmes and in the manner defined by separate regulations.

The State shall encourage the participation of non-governmental sector in decision-making process and implementation of the decisions relevant to the environmental protection.

## **III ENVIRONMENTAL SEGMENTS**

### **Environmental Segment Protection**

#### **Article 15**

Environmental segments (land, water, sea and coastal area, air, nature, forests) shall be protected from pollution individually and within other environmental segments, taking into account their mutual relations and interaction.

### **Land Protection**

#### **Article 16**

Land protection, as the general interest asset, shall include measures aimed at improving its physical, chemical and biological characteristics, for the purpose of its protection and preservation.

The use of land shall be carried out in the manner that is most suitable to the natural characteristics of land.

In the course of project implementation, before and after its implementation (development, exploitation of mineral raw materials), the protection of land shall be ensured.

### **Water Protection**

#### **Article 17**

Water protection shall include the implementation of water protection measures and improving the state of water and water ecosystems for the purpose of preventing or decreasing the harmful consequences for human health, water ecosystems, quality of life and environment in its entirety.

Water protection and use shall be carried out within the integral water management system through implementation of measures for preservation of surface and ground waters and their reserves, quality and quantity, as well as through protection of river beds, waterfronts and courses in accordance with the law regulating waters.

Measures of water protection shall ensure prevention or restriction of introduction of hazardous, waste and other harmful substances into the water, monitoring and research of quality of surface and ground water, as well as quality of wastewaters and their treatment.

## **Sea and Coastal Area Protection**

### **Article 18**

Sea and coastal area protection from pollution shall be ensured by implementing measures for the purpose of reducing and/or eliminating pollution or load in the sea and coastal area, preservation of protected and ecologically significant areas in the sea and coastal area, protection, preservation and renewal of marine resources and systemic monitoring of coastal and coastal ecosystem.

Sea protection shall be carried out by implementing measures for the purpose of protecting the marine environment including the marine ecosystem and coastal area as an indivisible whole, preventing harmful undertakings with negative consequences to the marine ecosystem taking into account their cumulative and synergistic action, sustainable exploitation of natural resources, prevention of sea pollution from the air, land, vessels, including the pollution caused by discharge from vessels or from aircrafts with the aim of submerging or incinerating at sea, cross-border pollution, prevention of pollution due to large accidents and removal of their consequences.

Coastal protection and management shall include coastal ecosystem protection measures and sustainable and coastal resource integral management.

## **Air Protection**

### **Article 19**

Air protection shall be ensured by undertaking measures of systematic air quality monitoring, reducing air pollution to regulated limit values and below and by undertaking technical, technological and other necessary measures for emission reduction and by monitoring polluted air impact towards human health and environment.

## **Nature Protection**

### **Article 20**

Nature protection shall be carried out by preserving geological and biological diversity, landscape diversity and natural value protection.

Nature protection shall be carried by monitoring the state of nature by establishing the system of natural value protection for the purpose of their preservation and ensuring sustainable use of natural goods.

## **Protection and Preservation of Forests**

### **Article 21**

Protection and preservation of forest ecosystems shall be carried out for the purpose of improving forest ecosystems.

Forests shall be managed in a way that shall ensure sustainable forest management, genetic fund preservation, enhancement of the structure and exercise of forests functions.

#### **IV. ENVIRONMENTAL PROTECTION FROM THE LOAD EFFECT**

##### **Environmental Noise Protection**

###### **Article 22**

Environmental noise protection shall be enforced by undertaking measures for preventing, reducing and eliminating the harmful effect of noise to the environment, monitoring the noise level in the environment as well as other measures significant for the protection of environment and human health from noise in line with the law regulating environmental noise protection.

##### **Protection from Chemical Harmful Effect**

###### **Article 23**

Protection from the harmful effect of chemicals shall include measures and procedure for reducing harmful effects of chemicals to human health and environment pursuant to the law regulating chemicals.

##### **Protection from Genetically Modified Organism Harmful Effect**

###### **Article 24**

Protection from the harmful effect of genetically modified organisms (hereinafter referred to as: "GMO") shall include measures regulating cross-border transfer, transport and limited use of GMO, preventing GMO introduction into the environment, placing in the market and the products that contain, consist of or are obtained from GMO in line with the law regulating GMO.

##### **Protection from the Waste Harmful Effect**

###### **Article 25**

Protection from the harmful effect of waste shall include measures for preventing the occurrence and reducing the amount of waste, without the use of procedures and/or in the manner that does not present a threat to the environment and prevents harmful effect of waste to human health and environment pursuant to the law regulating waste management.

##### **Ionizing Radiation Protection**

###### **Article 26**

Protection from the ionizing radiation shall be carried out by implementing system of measures preventing the threat to human lives and health, people that work with the ionizing radiation sources and radioactive radiation sources, including radioactive waste and protection of environment from the harmful effect of ionizing radiation pursuant to the law regulating protection from ionizing radiation and radiation safety.

##### **Non-Ionizing Radiation Protection**

###### **Article 27**

Protection from the non-ionizing radiation shall be carried out by implementing system of measures preventing the threat to human lives and health, people that work with the non-ionizing radiation sources or who are located in the field of non-ionizing radiation during their work, as well as environmental protection from the harmful effect of non-ionizing radiation pursuant to the law regulating protection from non-ionizing radiation.

### **Environmental Protection from the Climate Change Negative Effect**

#### **Article 28**

Environmental protection from the negative effect of climate changes shall be carried out through measures aimed at reducing the negative effect of climate changes to the environment.

## **V. SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL PROTECTION DOCUMENTS**

### **Documents**

#### **Article 29**

Sustainable development and environmental protection documents shall be:

- 1) National Sustainable Development Strategy of Montenegro;
- 2) Climate Change Strategy;
- 3) Low Carbon Development Strategy;
- 4) Climate Change Adaptation Plan;
- 5) National Plan for Combating Desertification;
- 6) Marine Environment Protection Strategy;
- 7) National Strategy for Integrated Coastal Zone Management;
- 8) local environmental protection plans;
- 9) strategies, plans and programmes that are adopted, i.e. that were adopted according to separate regulations in certain areas for certain environmental segments and loads.

### **National Sustainable Development Strategy**

#### **Article 30**

National Sustainable Development Strategy (hereinafter referred to as: "the Strategy") shall determine principles, strategic objectives and guidelines for achieving long-term sustainable development of society, taking into account the current situation and assumed international obligations.

The Strategy shall set the guidelines for long-term economic and social development and environmental protection aimed at ensuring sustainable development.

Sectoral strategies, policies, development plans and programmes shall be harmonized with the Strategy by ensuring the integration of sustainable development goals and measures.

Strategy shall contain the action plan, which defines measures for achieving strategic objectives, competent authorities and other persons for the implementation of action plan measures with deadlines.

Action Plan shall define the sustainable development indicators.

The Strategy shall be adopted by the Government for a 15-year period.

The Ministry shall coordinate the implementation of the Strategy.

Reports on the implementation of the Strategy for a two-year period shall be developed by the Ministry and submitted to the Government and the National Council for Sustainable Development, Climate Change and Integrated Coastal Zone Management.

### **Climate Change Strategy**

#### **Article 31**

*Deleted. Law on the Protection from the Negative Impact of Climate Change, Official Gazette of Montenegro 73/19)*

### **Low Carbon Development Strategy;**

#### **Article 32**

*Deleted. Law on the Protection from the Negative Impact of Climate Change, Official Gazette of Montenegro 73/19)*

### **Climate Change Adaptation Plan**

#### **Article 33**

*Deleted. Law on the Protection from the Negative Impact of Climate Change, Official Gazette of Montenegro 73/19)*

### **National Plan for Combating Desertification**

#### **Article 34**

Pursuant to principles and objectives of national and social development, international cooperation and integrations, the Government shall adopt the National Plan for Combating Desertification and the corresponding Action Plan.

The objective of the National Plan referred to in paragraph 1 of this Article shall be to identify factors contributing to desertification and contamination of soil and the necessary measures for combating desertification.

The National Plan referred to in paragraph 1 of this Article shall be adopted for the six-year period.

Action Plan shall be a set of measures and activities for the implementation of the National Plan referred to in paragraph 1 of this Article, with specified deadlines and main contractors.

### **Marine Environment Protection Strategy**

#### **Article 35**

*Deleted. Law on Marine Environment Protection, Official Gazette of Montenegro 73/19)*

### **National Strategy for Integrated Coastal Zone Management**

#### **Article 36**

National Strategy for Integrated Coastal Zone Management shall determine the policy of implementing international agreements related to integrated management of the Mediterranean coastal area.

The Strategy referred to in paragraph 1 of this Article shall contain strategic goals, measures and guidelines for integrated coastal zone management of land and sea of Montenegro.

The Strategy referred to in paragraph 1 of this Article and other strategies, development plans and programmes at the state and local level shall be mutually aligned.

The Strategy referred to in paragraph 1 of this Article shall contain the Action Plan defining measures for achieving strategic goals, competent authorities and other persons for the implementation of measures from the Action Plan with deadlines.

The Strategy referred to in paragraph 1 of this Article shall be adopted by the Government for a 15-year period.

The Ministry shall coordinate the implementation of the National Strategy for Integrated Coastal Zone Management.

Reports on the implementation of the Strategy referred to in paragraph 1 of this Article for a two-year period shall be developed the Ministry and submitted to the Government and the National Council for Sustainable Development, Climate Changes and Integrated Coastal Zone Management.

## **Local Environmental Protection Plans**

### **Article 37**

Local Environmental Protection Plan (hereinafter referred to as: "the Plan") shall elaborate environmental protection measures for the area of local self-government in accordance with the local specificities and characteristics of the area for which the Plan is adopted.

The plan shall establish goals and tasks of importance for environmental protection and sustainable development at the local level.

The plan shall include, in particular:

- 1) environmental protection conditions and measures, as well as adaptation measures to the negative impacts of climate change;
- 2) entities for the implementation of measures determined by the Plan;
- 3) overview of the state of individual environmental segments for the local self-government territory;
- 4) short-term and long-term environmental protection goals with a vision of future development;
- 5) deadlines for implementing measures;
- 6) financial resources required for the implementation of established measures and the method of securing funds.

The plan shall be adopted by the Assembly of the local self-government unit for a of four-year period.

The local government authority responsible for environmental affairs shall submit the Plan to the Agency within a month from the date of the adoption of the Plan.

## **VI. ENVIRONMENTAL PROTECTION INSTRUMENTS**

### **Instruments**

#### **Article 38**

Environmental protection instruments shall be:

- 1) strategic environmental impact assessment;
- 2) environmental impact assessment;
- 3) acceptability assessment;

- 4) liability for environmental damage;
- 5) environmental quality standards;
- 6) technical environmental protection standards;
- 7) integrated pollution prevention and control;
- 8) prevention and control of incidents that involve hazardous substances;
- 9) spatial plans, aligned with sustainable development and environmental protection documents;
- 10) Environmental Management System (EMAS);
- 11) use of ecological label;
- 12) other instruments of environmental protection.

Application of instruments referred to in paragraph 1 of this Article shall be defined by separate regulations.

## **Incident Prevention and Control**

### **Article 39**

Operator of a seveso installation or a compound where activities are carried out in which one or more hazardous substances are present or could be present shall undertake all the required measures to prevent a chemical incident and limit impact of such an incident to human lives and health and environment aimed at creating conditions for risk management in line with this Law.

Degree of chemical incident risk of the seveso installation or compound where activities are carried out in which one or more hazardous substances are present or could be present shall be determined depending on the amount of hazardous substances.

Operator of a seveso installation shall submit the information to the Agency and develop an Incident Prevention Plan and, depending on the amount of hazardous substances or the degree of incident risk, develop the Report on Safety and Incident Protection Plan.

The amount of hazardous substances per categories, defining the degree of seveso plant risk, shall be determined by the Ministry, with the approval of the public administration authority competent for protection and rescue.

## **Information and the Content of the Incident Prevention Plan**

### **Article 40**

Incident Prevention Plan shall contain objectives and principles of operators' actions aimed at controlling the threat of a chemical incident.

Incident Prevention Plan shall contain sufficient elements proportional to the degree of incident risk on the basis of which the operator ensures a high level of human and environmental protection from a chemical incident.

Prior to developing the Incident Prevention Plan, the operator shall submit to the Agency the information on the following:

- 1) new seveso installation or compound at least three months prior to its beginning of operation;
- 2) existing seveso installation or compound;
- 3) existing seveso installation or compound in which the amount of hazardous substances has increased so as to cause a higher degree of risk of a chemical incident, not later than three months as of the day of the change;



4) permanent cessation of the seveso installation or compound operation, as well as in cases of modifying seveso installations or compounds, any change that can impact the occurrence of a chemical incident.

Incident Prevention Plan shall be developed by the operator not later than six months from the day the information referred to in paragraph 3 of this Article is submitted.

Detailed content of the Incident Prevention Plan and information shall be defined by the regulation of the Ministry.

## **Safety Report and Incident Protection Plan**

### **Article 41**

Safety Report shall particularly contain the following: information on the management and organisation system of the operator aimed at preventing a chemical incident; description of location of the seveso installation or compound; description of the seveso installation or compound; chemical incident risk analysis and method of preventing it; protective measures and intervention measures for limiting chemical incident consequences; list of hazardous substances, etc.

Incident Protection Plan shall particularly contain measures undertaken within a seveso installation or compound in case of a chemical incident or in case circumstances that could cause a chemical incident occur.

Safety Report and Incident Protection Plan shall be ensured by the operator which, according to the amount of hazardous substances, has a larger degree of risk of a chemical incident, for the following:

- 1) new seveso installation or compound at least three months prior to the beginning of operation;
- 2) existing seveso installation or compound;
- 3) existing seveso installation or compound in which the amount of hazardous substances has increased so as to cause a higher degree of risk of chemical incident, not later than three months as of the day of the change;

Agency shall provide approval to the Safety Report and the Incident Protection Plan.

Approval referred to paragraph 4 of this Article shall be issued on the basis of the request attached to the evidence on the payment of the administrative fee .

Operator shall periodically review the Safety report and if necessary, update it as follows:

- 1) at least every five years;
- 2) on its own initiative or upon the request of the Agency due to new facts reached on the basis of the analysis of other chemical incidents or incident avoided.

Detailed content, methodology for developing the Safety Report and Incident Protection Plan shall be determined by the regulation of the Ministry.

## **Protected Zones**

### **Article 42**

In the immediate vicinity of industrial facilities that negatively impact human health and environment, planning documents shall define protective zones where building of residential facilities, schools, hospitals is not allowed nor agricultural production depending on the degree of air, water, soil or another environmental segment pollution.

## **Environmental Management System (EMAS)**

### **Article 43**

For the purpose of incorporation into the system of environmental protection management and control and for the purpose of communicating to the public the information on specific activity impact on the environment, legal persons and entrepreneurs may join the European Union Ecological Management System (hereinafter referred to as: "the EMAS System") in line with the MEST EN ISO 14001 standard.

Legal and natural entities which, in the process of their operation, meet all the requirements of environmental protection management system regarding its policy establishment and execution, planning, implementation, control and check of the management system and the implementation of its advancement measures may be included into the EMAS system.

In order to meet the requirements for establishing the environmental protection management system and registering into the EMAS system, legal and natural entities shall report on activities, products and services impact towards the environment and organize and implement the harmonization check of the management system.

The registration into the EMAS system shall be carried out on the basis of the request from legal and natural entities submitted to the Agency.

Along with the request for registration into the EMAS system, the following shall be submitted as well:

- 1) a statement of a prescribed content from the legal and natural entity for inclusion into EMAS system;
- 2) the confirmation of the accredited EMAS evaluator on the accuracy of statements provided in the statement of the legal and natural entity on meeting the requirements of environmental protection for inclusion into EMAS system.

The register of natural and legal entities included into the EMAS system shall be kept by the Agency.

Legal person or entrepreneur included into the EMAS system can use the EMAS label.

Provided that there are no legal persons accredited for EMAS verification in Montenegro, the Ministry shall designate an accredited EMAS evaluator from the list of accredited EMAS evaluators of an EU Member State.

The method of keeping the EMAS Registry, contents, layout and the use of EMAS label, requirements to be met by the EMAS evaluator as well as the form of the request shall be defined by the regulation of the Ministry.

### **Ecological Label**

#### **Article 44**

Ecological label shall be designed for products intended for general consumption, except for food products, agricultural or other products obtained in line with the regulations defining organic production, beverages, pharmaceutical and medical equipment production which compared to other products cause less environmental pollution during production, distribution, trade, consumption and disposal or are made of recycled waste.

Ecological label shall also be designed for environmentally friendly processes and services.

Legal person and entrepreneur may be entitled to use the ecological label for products, processes or services, if their production, operation and provision reduces:

- 1) consumption of energy resources;

- 2) emission of hazardous and dangerous substances;
- 3) waste generation;
- 4) consumption of natural resources.

Detailed terms, criteria and procedure of granting the right to use the ecological label, the costs of granting the right to use the ecological label referred to in Article 45 paragraph of this Law, elements, appearance and method of usage of ecological label for products, processes, and services shall be determined by the regulation of the Ministry.

## **Granting and Divesting the Ecological Label**

### **Article 45**

The right to use the ecological label shall be granted for the period of three years.

Any interested party shall submit the request for ecological label to the Agency.

The evidence of meeting the requirements referred to in Article 44 of this Law shall be provided along with the request.

The applicant shall bear the costs of granting the right to the use of ecological label.

The right to use of ecological label shall be divested if the product or service ceases to meet one of the conditions for label granting.

## **VII. SPECIAL ENVIRONMENTAL PROTECTION MEASURES**

### **Special Measures**

#### **Article 46**

Special environmental protection measures shall be implemented to prevent, reduce or mitigate the negative effects of persistent organic pollutants, asbestos, mercury and carbon dioxide emissions on the environment.

### **Persistent Organic Pollutants**

#### **Article 47**

Production, placing on the market and use of persistent organic pollutants (hereinafter referred to as: "POPs") in mixtures or as components of products shall be prohibited.

The prohibition referred to in paragraph 1 of this Article shall not apply to POPs:

- used for laboratory tests or as a reference standard; and
- occur in traces and whose presence in substances, mixtures or products is unintentional.

### **Asbestos**

#### **Article 48**

The sale and use of asbestos fibres shall be prohibited.

Placement on the market and use raw asbestos in the amount of more than 100 kilograms per year shall be prohibited for:

- 1) production of raw asbestos ore, except for processes related to ore extraction; and/or
- 2) manufacturing and industrial finishing of products in which raw asbestos is used: asbestos cement or asbestos cement products, asbestos friction products, asbestos filters, asbestos textiles, asbestos paper and cardboard, asbestos fasteners,

asbestos packaging materials, asbestos fixing materials, asbestos floor coverings, asbestos filling materials.

## **Mercury**

### **Article 49**

The export of metallic mercury, cinnabarite, mercury (I) chloride, mercury (II) oxide and mixtures of metallic mercury with other substances, including mercury alloys, with a mercury concentration of at least 95% by mass shall be prohibited.

The prohibition referred to in paragraph 1 of this Article shall not apply to export to scientific research for medical or analytical purposes.

Mixing metallic mercury with other substances with the sole purpose of exporting metallic mercury shall be prohibited.

Metallic mercury used in the chloralkali industry, metallic mercury obtained from natural gas purification, metallic mercury obtained from non-ferrous metal ore mining and smelting operations and metallic mercury obtained from cinnabarite are considered waste.

Waste referred to in paragraph 4 of this Article shall be disposed of in a manner that is safe for human health and the environment and in accordance with the law governing waste management.

## **Carbon Dioxide Emissions from New Passenger Vehicles**

### **Article 50**

Deleted. (Law on the Protection from the Negative Impact of Climate Change, Official Gazette of Montenegro 73/19)

## **Geological Storage of Carbon Dioxide**

### **Article 51**

Deleted. (Law on the Protection from the Negative Impact of Climate Change, Official Gazette of Montenegro 73/19)

## **Cross-Border Transport of Carbon Dioxide for Storage Purposes**

### **Article 52**

Deleted. (Law on the Protection from the Negative Impact of Climate Change, Official Gazette of Montenegro 73/19)

## **Storage of Carbon Dioxide at Thermal Energy Facilities**

### **Article 53**

Deleted. (Law on the Protection from the Negative Impact of Climate Change, Official Gazette of Montenegro 73/19)

## **VIII. ENVIRONMENTAL MONITORING**

### **Systematic Environmental Monitoring**

#### **Article 54**

Environmental monitoring shall be carried out through systematic measurement, examination of quantitative and qualitative indicators of the status of the environment,

including monitoring of natural factors, i.e. changes of status and characteristics of the environment, including cross-border environmental monitoring.

Environmental monitoring referred to in paragraph 1 of this Article shall include:

- biodiversity and nature preservation status;
- water quality;
- marine ecosystem;
- air quality;
- content of dangerous and harmful substances in the soil;
- environmental noise levels;
- non-ionizing radiation levels;
- environmental radioactivity levels;
- natural occurrences, meteorological, hydrological, oceanographic, erosional, seismological and other geophysical phenomena;
- waste management;
- emission of pollutants into the air;
- greenhouse gas emissions.

## **Manner of Environmental Monitoring**

### **Article 55**

Environmental monitoring (hereinafter referred to as: "monitoring") shall ensure continuous environmental control and monitoring of the pursuant to this Law and special laws.

Monitoring shall be carried out on the basis of the annual monitoring programme prepared by the Agency and submitted to the Ministry by 1 November of the current year for the following year at the latest.

Annual monitoring programme shall be adopted by the Government.

The annual monitoring programme referred to in paragraph 3 of this Article shall contain monitoring programmes for individual environmental segments.

Monitoring shall be of public interest.

Monitoring results shall be an integral part of the Single Environmental Information System.

Monitoring programme for surface, underground and bathing water quality shall be prepared by the public administration authority responsible for water and drinking water monitoring programme shall be prepared by the public administration authority responsible for health affairs, in accordance with separate regulations.

The annual monitoring programme shall include:

- monitoring the state of biodiversity;
- monitoring the quality of surface, underground and bathing water, as well as monitoring the quality of drinking water;
- monitoring the state of the marine ecosystem;
- monitoring the content of dangerous and harmful substances in the soil;
- air quality monitoring;
- systematic examination of non-ionizing radiation levels;
- systematic examination of environmental radioactivity;
- monitoring environmental noise levels.

Funds for implementing monitoring shall be provided from the budget of Montenegro.

### **Monitoring Implementation**

#### **Article 56**

Monitoring shall be implemented by the Agency.

For the purpose of implementation of individual monitoring tasks, the Agency shall designate one or more reference laboratories accredited in accordance with the MEST EN ISO/IEC 17025 standard.

In addition to the requirements referred to in paragraph 2 of this Article, the Agency shall also take into account the criteria regarding inter-laboratory verification of the work quality and experience of performing individual monitoring tasks.

Fulfilment of requirements for reference laboratories referred to in paragraph 2 of this Article shall be determined by the Agency.

Reference laboratories referred to in paragraph 2 of this Article shall be determined on the basis of a public call issued by the Agency.

Decision on the designation of a reference laboratory based on a public call shall be issued for a period of up to four years.

Notwithstanding paragraph 1 of this Article, the monitoring programme of the quality of surface, underground and bathing water shall be carried out by the administrative authority responsible for hydrometeorological affairs, and the programme for monitoring the quality of drinking water shall be carried out by the administrative authority responsible for health affairs, in accordance with separate regulations.

The Ministry shall prescribe the criteria regarding the inter-laboratory quality control of work and experience in performing individual monitoring tasks that must be met by the reference laboratory.

### **Information on the State of the Environment of Montenegro**

#### **Article 57**

On the basis of the data obtained through the implementation of the annual monitoring programme, the Agency shall prepare the annual Information on the State of the Environment submitted to the Ministry by May 31 of the current year for the previous year at the latest.

The information referred to in paragraph 1 of this Article shall contain an assessment of the overall state of the environment.

The information referred to in paragraph 1 of this Article shall be submitted to the Government.

### **Monitoring of the Local Self-Government Units**

#### **Article 58**

Local self-government unit may conduct environmental monitoring on its territory in accordance with this Law.

Local self-government units shall submit the data obtained through monitoring referred to in paragraph 1 of this Article to the Agency.

Funds for monitoring referred to in paragraph 1 of this Article shall be provided from the budget of local self-government units.

### **Monitoring of the Polluter**

## **Article 59**

Legal entity and entrepreneur that is the user of the installation that pollutes or may cause pollution to the environment shall carry out monitoring in line with separate regulations.

Polluter shall submit the data obtained through monitoring referred to in paragraph 1 of this Article to the competent authority of the local self-government unit on the territory of which he is located and to the Agency.

Funds for monitoring referred to in paragraph 1 of this Article shall be provided by the polluter.

## **IX. ENVIRONMENTAL STATE REPORTING**

### **Environmental State Report**

#### **Article 60**

Environmental State Report shall be developed for the purpose of monitoring the achievement of the objectives established by the documents referred to in Article 29 of this Law, strategic, planning and programming documents related to individual environmental segments and other documents that refer to environmental protection, as well as for the overall insight into the state of the environment.

Environmental State Report shall be developed by the Agency for a four-year period and submitted to the Ministry.

Environmental State Report shall be developed on the basis of the National Environmental Indicator List.

National Environmental Indicator List shall be defined by the Government.

Action Plan for the Improvement of Environmental State with the proposal of measures shall be the integral part of the Environmental State Report.

The Report referred to in paragraph 2 of this Article shall be submitted to the Government.

### **Environmental State Report of the Local Self-Government Unit**

#### **Article 61**

Local self-government unit can develop the Environmental State Report for the territory of that local self-government unit for the purpose of monitoring the achievement of the objectives from planning and programming documents for individual environmental segments and loads, as well as other documents for environmental protection aimed at the overall insight into the state of the environment.

The report referred to in paragraph 1 of this Article shall be developed in line with the National Indicator List and contain data obtained through monitoring, as well as other data, depending on the characteristics of the area the Report refers to.

The report referred to in paragraph 1 of this Article shall be adopted by the Assembly of the local self-government units and submitted to the Agency within a month from its adoption.

## **X. ENVIRONMENTAL INFORMATION SYSTEM**

### **Information System Establishment**

#### **Article 62**

Environmental Information System (hereinafter referred to as: "the Information System") shall be established for the purpose of efficient identification, classification, processing, monitoring and record keeping of natural resources and environmental management.

## **Contents of the Information System**

### **Article 63**

The Information System shall contain data and information on the environmental state, loads and impact on the environment, particularly the data on the following:

- 1) the state of the environment and its segments, collected and processed in line with this law, special regulations and the National Indicator List;
- 2) emissions of pollutants into the environment;
- 3) natural and spatial characteristics;
- 4) natural resources and their use;
- 5) areas designated as protected or endangered by separate regulations;
- 6) biological diversity and biodiversity state;
- 7) waste and waste management;
- 8) chemicals (interface - interaction);
- 9) industrial and ecological incidents;
- 10) environmental polluters;
- 11) organisations in the EMAS system;
- 12) legislative, administrative, organisational and strategic measures;
- 13) sustainable development indicators;
- 14) environmental protection plans and programmes and undertaken measures;
- 15) exchange of information with other information systems.

Information System shall be established and kept by the Agency.

Information System shall ensure access to other information systems and alignment of all relevant information and data on a national and international level.

Detailed content, manner of keeping and maintaining the Information System, methodology of entering and processing data, categories and levels of data collection as well as the contents of data regularly reported to the public shall be prescribed by the Ministry.

## **Obligation of Submitting Data for the Information System**

### **Article 64**

Environmental protection subjects referred to in Article 8 of this Law shall submit data and information necessary for keeping the Information System, upon the request of the Agency.

## **Register of Polluters**

### **Article 65**

Register of Polluters (hereinafter referred to as: "Register of Polluters") shall contain the information on the following: sources, type, amount, method and location of discharge, transfer and disposal of pollutants and waste into the environment.

Register of Polluters shall be kept by the Agency.



Polluters shall submit data referred to in paragraph 1 of this Article to the Agency.

Detailed content and manner of keeping the Register of Polluters, entities, manner and deadlines for collecting and submitting data on emissions or discharge and other data significant for keeping the Register shall be prescribed by the Ministry.

## **XI. INFORMING THE PUBLIC, PARTICIPATION OF THE PUBLIC AND INTERESTED PUBLIC AND RIGHT TO LEGAL PROTECTION IN ENVIRONMENTAL PROTECTION MATTERS**

### **Providing Access to Environmental Information**

#### **Article 66**

Access to environmental information shall be provided in line with this Law and the law governing free access to information.

### **Environmental Information**

#### **Article 67**

Environmental information shall include the following:

- state of individual environmental segments such as: air, water, sea, land, nature, biological and spatial diversity, habitats, wetlands, coastal area, including genetically modified organisms, as well as mutual impact of individual environmental segments;
- environmental impact factors: substances, energy, noise, radiation, radiation including radioactive waste, waste, emissions and other discharge into the environment, which affect, or may affect, environmental segments;
- measures contained in strategic documents, regulations, plans, programmes, environmental agreements, activities that can directly or indirectly impact certain environmental segments, as well as measures or activities established for their protection;
- reports on the implementation of international agreements related to environmental protection;
- cost analysis and other financial analyses applied as part of measures and activities aimed at protecting and improving the state of the environment;
- information related to the conditions of people's quality of life, their health and safety, cultural heritage and objects built to the extent that they are affected, or may be affected, by the condition of individual environmental segments, i.e. the condition caused by factors and/or measures referred to in indents 2 and 3 of this paragraph.

Legal entity performing tasks in the field of the environment can store information on the environment on behalf of public administration authorities, administrative authorities or local administration authorities.

### **Publishing Environmental Information**

#### **Article 68**

Environmental information shall be published in line with this law, via electronic databases or media.

The Agency shall be obliged to publish on its website:

- texts of international treaties, conventions or agreements and European Union law;
- regulations related to the environment;

- strategies, plans, programmes and other documents related to the environment;
- reports on the state of the environment;
- data obtained by monitoring the state of the environment;
- reports on the implementation of international environmental agreements, including the implementation of international agreements and strategic documents, plans and programmes in the field of the environment;
- permits/consent that have a significant impact on the environment; and
- other data significant for environmental protection.

The Agency shall be obliged to inform the public without delay via electronic media or in another appropriate manner in cases of immediate threat to human health and/or the environment, regardless of whether the threat is caused by human activity or natural phenomena.

The Agency and the polluters shall, immediately upon learning, inform the public on exceeding of the prescribed limit values of emissions into the environment, without delay.

### **Request and Deadline for Providing Environmental Information**

#### **Article 69**

Access to environmental information shall be provided on the basis of a request submitted to the public administration authority, administration authority and local administration authority, which does not have to contain reasons for requesting information.

The request referred to in paragraph 1 of this Article shall be decided on within 15 days from the date of its submission in line with the law regulating free access to information.

The deadline referred to in paragraph 2 of this Article can be extended by eight days, if access to extremely extensive and complex environmental information is requested.

In the case referred to in paragraph 3 of this Article, the applicant shall be notified, in writing, of the extension of the deadline for resolving the request and of the reasons for the extension within five days from the date of the submission of the request.

Environmental information shall preferably be provided in the form requested by the applicant.

### **Rejection of the Request for Access to Environmental Information**

#### **Article 70**

The request referred to in Article 69 of this Law shall be rejected:

- in cases determined by the law regulating free access to information;
- if the request refers to information, documents or other data that are in the preparation phase, with the indication of the authority that prepares the information, document or other data, as well as the time required for their completion.

The request for access to environmental information cannot be refused if that request refers to emissions of environmental pollutants.

An appeal can be filed with the competent authority against the decision rejecting the request for access to environmental information.

### **Environmental Information Quality**

#### **Article 71**

Public administration authorities, administration authorities and local administration authorities shall ensure that the environmental information they have created or that is created on their behalf, is up-to-date, accurate and comparable.

If this concerns the request for providing information related to environmental impact factors referred to in Article 67, paragraph 1, indent 2 of this Law, the authorities referred to in paragraph 1 of this Article shall, if such information is available, inform the applicant on the following:

- their location;
- measuring procedures, methods of analysis, sampling, pre-processing of samples used in data collection or on the appropriate standardized procedures used.

### **Public Participation and Interested Public**

#### **Article 72**

Public administration authorities, administration authorities and local administration authorities competent for environmental protection affairs shall timely inform the public and interested public on environmental decision-making procedures that refer to:

- 1) strategic environmental plan and programme impact assessment;
- 2) environmental impact assessment
- 3) procedure of issuing permits for integrated pollution prevention and control by approving the operation of new or existing installations;
- 4) strategies, plans, programmes and other environmental documents;
- 5) other environmental matters in line with separate regulations.

### **Right to Legal Protection in Environmental Matters**

#### **Article 73**

In the environmental decision-making procedures, the interest public shall have the right to initiate the procedure of review of the decision before competent authorities, i.e. the court, in line with the law.

The interested public shall have the right to file an appeal against the decision of the competent authority competent for environmental protection affairs, i.e. the right to file a suit with the competent court in accordance with separate regulations.

## **XII. FINANCING**

### **Environmental Financing**

#### **Article 74**

The state and the local self-government unit shall ensure financing for environmental protection and improvement.

### **Financing Sources**

#### **Article 75**

Financing of environmental protection shall be provided from the following:

- budget of Montenegro;
- budget of the local self-government unit;
- funds from eco fees;

- funds of the Environmental Protection Fund (hereinafter referred to as: "the Eco Fund");
- loans, donations and assistance;
- instruments, programmes and funds of the European Union, the United Nations and international organizations;
- foreign investments intended for environmental protection; and
- other sources in line with the law.

## **Eco Fund and Its Resources**

### **Article 76**

Eco Fund shall have capacity of a legal person. Eco Fund shall be established by the Government.

Funds for financing the Eco Fund shall be provided from:

- the budget of Montenegro;
- funds from eco fees;
- loans, donations and assistance;
- instruments, programmes and funds of the European Union, the United Nations and international organizations;
- foreign investments intended for environmental protection; and
- other sources in line with the law.

Resources of the Eco Fund shall be used for the following: financing the preparation, implementation and development of programmes, projects and similar activities at the national and local level, aimed at preservation, sustainable use, protection and improvement of the environment, energy efficiency and the use of renewable sources and energy, implementing goals and principles of environmental protection, for the purpose of achieving integral and complete preservation of the quality of the environment, preservation of biological, geological and natural diversity and rational use of natural resources and energy as basic requirements for sustainable development, as well as the exercise of rights of citizens to a healthy environment.

Articles of Incorporation shall regulate the organization and manner of work, activity, bodies, method of financing and use of funds and other issues of importance for the work of the Eco Fund.

## **Eco Fees**

### **Article 77**

Eco fees shall be environmental pollution fees paid according to the "polluter pays" principle.

Eco fees referred to in paragraph 1 of this Article shall be paid by legal and natural entities for:

- discharge of pollutants into the air;
- import of substances that damage the ozone layer;
- creation and depositing of hazardous waste.

The amount, method of calculation and payment of fees referred to in paragraph 2 of this Article shall be determined by the Government.

## **Use of Environmental Protection Funds**

## **Article 78**

Environmental protection funds shall be used for:

- co-financing the programme of protection and development of protected natural goods;
- financing the costs of implementing preventive measures or remediation measures when the polluter is unknown in accordance with the law regulating responsibility for environmental damage;
- co-financing other investment programmes that contribute to significant reduction of environmental pollution;
- creation of conceptual solutions, scientific-research projects of applied nature, studies, analysis and executive projects;
- co-financing professional training of personnel in professional, scientific, economic and administrative organizations in the field of environment of interest to the state;
- co-financing organized activities in the course of implementing environmental measures within the framework of ecological non-governmental organizations;
- co-financing publications, magazines, professional and scientific gatherings and informative and publicity activities in the field of environmental protection and improvement;
- co-financing the development and implementation of the Local Environmental Protection Plan.

## **Fees for Environmental Protection and Improvement of Local Self-Government Units**

### **Article 79**

Local self-government unit can prescribe a fee for environmental protection and improvement, in line with its needs and characteristics.

Criteria, type and amount of fee referred to in paragraph 1 of this Article, method of payment, entities, as well as facilities for certain categories of entities shall be prescribed by the local self-government units, with the previous approval of the Government.

Collected funds on the basis of fees referred to in paragraph 1 of this Article must be used specifically for environmental protection and improvement on the territory of the local self-government unit.

## **XIII. SUPERVISION**

### **Administrative Supervision**

#### **Article 80**

Supervision of the implementation of this Law and related regulations shall be carried out by the Ministry and other competent public administration authorities, in line with this Law.

The inspection supervision of the implementation of this Law and regulations adopted on the basis of this Law shall be carried out by the administration authority competent for inspection affairs through competent inspectorates, in line with this Law and the law regulating inspection supervision.

### **Authorisations of Ecological Inspectors**

#### **Article 81**

In the course of inspection supervision, the ecological inspector shall be authorised to define whether:

- prescribed measures are undertaken during the operation of a seveso installation aimed at incident prevention and control including hazardous substances;
- the operator of a seveso installation or compound submitted the information to the Agency prior to developing the Incident Prevention Plan;
- the operator of a seveso installation or compound developed the Incident Prevention Plan within six months upon submission of the approval;
- the operator of a seveso installation or compound developed and submitted the Safety Report and Incident Protection Plan to the Agency;
- polluter carries out monitoring in line with the law;
- polluters submit data required for keeping the Register of Polluters.

### **Rights and Duties of Ecological Inspectors**

#### **Article 82**

In the course of performing affairs referred to in Article 81 of this Law, the ecological inspector shall:

- order chemical incident prevention measures and limit the impact of such an incident to human lives and health and environment in a prescribed manner;
- order the operator of a seveso installation or compound to submit the information to the Agency prior to developing the Incident Prevention Plan;
- order the the operator of a seveso installation or compound to develop the Incident Prevention Plan within six months upon submission of the approval;
- order the operator of a seveso installation or compound to develop and submit the Safety Report and Incident Protection Plan to the Agency;
- order the polluter to carry out environmental monitoring in a prescribed manner;
- order the polluter to submit data obtained through monitoring to competent authorities, in line with this law;
- order submission of data for the Register of Polluters;
- prohibit placing on the market and use of POPs in mixtures or as components of products, which are not allowed in line with this law;
- prohibit the placement on the market and use of asbestos and asbestos fibres, which are not allowed in line with this law;
- order the storage of mercury considered waste, in a prescribed manner.

### **Authorisations of Geological Inspectors**

#### **Article 83**

*Deleted. Law on the Protection from the Negative Impact of Climate Change, Official Gazette of Montenegro 73/19)*

### **Rights and Duties of Geological Inspectors**

#### **Article 84**

*Deleted. Law on the Protection from the Negative Impact of Climate Change, Official Gazette of Montenegro 73/19)*

### **Rights and Duties of Market Inspectors**

## **Article 85**

*Deleted. Law on the Protection from the Negative Impact of Climate Change, Official Gazette of Montenegro 73/19)*

## **Rights and Duties of Customs Authorities**

### **Article 86**

Customs authorities, in the performance of their affairs, shall prohibit the export of metallic mercury, cinnabarite, mercury (I) chloride, mercury (II) oxide and mixtures of metallic mercury with other substances, including mercury alloys, with a mercury concentration of at least 95% by mass which are not allowed in line with this law.

## **XIV. PENAL PROVISIONS**

### **Misdemeanour Provisions**

#### **Article 87**

A legal entity shall be imposed a fine ranging between EUR 2 000 and EUR 40 000 for a misdemeanour if:

- 1) prior to developing the Incident Prevention Plan, it fails to submit to the Agency the information on a new seveso installation or compound at least three months prior to its beginning of operation (Article 40 paragraph 3 item 1);
- 2) prior to developing the Incident Prevention Plan, it fails to submit to the Agency the information on an existing seveso installation or compound (Article 40 paragraph 3 item 2);
- 3) prior to developing the Incident Prevention Plan, it fails to submit to the Agency the information on an existing seveso installation or compound in which the amount of hazardous substances has increased so as to cause a higher degree of risk of a chemical incident, not later than three months as of the day of the change (Article 40 paragraph 3 item 3);
- 4) prior to developing the Incident Prevention Plan, it fails to submit to the Agency the information on an existing seveso installation or compound, as well as in cases of modifying seveso installations or compounds, any change that can impact the occurrence of a chemical incident (Article 40 paragraph 3 item 4);
- 5) it fails to develop the Incident Prevention Plan not later than six months from the day the information referred to in Article 40 paragraph 3 of this Law is submitted (Article 40 paragraph 4);
- 6) it fails to provide the Safety Report and Incident Protection Plan for a new seveso installation or compound at least three months prior to the beginning of operation (Article 41 paragraph 3 item 1);
- 7) it fails to provide the Safety Report and Incident Protection Plan for an existing seveso installation or compound (Article 41 paragraph 3 item 2);
- 8) it fails to provide the Safety Report and Incident Protection Plan for an existing seveso installation or compound in which the amount of hazardous substances has increased so as to cause a higher degree of risk of chemical incident, not later than three months as of the day of the change (Article 41 paragraph 3 item 3);
- 9) it produces, places on the market and uses POPs in mixtures or as components of products (Article 47 paragraph 1);
- 10) it places on the market and uses of asbestos fibres (Article 48 paragraph 1);

- 11) it places on the market and uses raw asbestos in the amount of more than 100 kilograms per year for the production of raw asbestos ore, except for processes related to ore extraction (Article 48 paragraph 2 item 1);
- 12) it places on the market and uses raw asbestos in the amount of more than 100 kilograms per year for the manufacturing and industrial finishing of products in which raw asbestos is used: asbestos cement or asbestos cement products, asbestos friction products, asbestos filters, asbestos textiles, asbestos paper and cardboard, asbestos fasteners, asbestos packaging materials, asbestos fixing materials, asbestos floor coverings, asbestos filling materials (Article 48 paragraph 2 item 2);
- 13) exports metallic mercury, cinnabarite, mercury (I) chloride, mercury (II) oxide and mixtures of metallic mercury with other substances, including mercury alloys, with a mercury concentration of at least 95% by mass (Article 49 paragraph 1);
- 14) mixes metallic mercury with other substances with the sole purpose of exporting metallic mercury (Article 49 paragraph 3);
- 15) deleted. Law on the Protection from the Negative Impact of Climate Change, Official Gazette of Montenegro 73/19)
- Deleted. Law on the Protection from the Negative Impact of Climate Change, Official Gazette of Montenegro 73/19)
- 17) it fails to carry out monitoring, being a user of the installation that pollutes or may cause pollution to the environment (Article 59 paragraph 1);
- 18) it fails to submit data obtained through monitoring referred to in Article 59 paragraph 1 of this Law to the competent authority of the local self-government unit on the territory of which he is located and to the Agency (Article 59 paragraph 2);
- 19) it fails to submit to the Agency information referred to in Article 65 paragraph 1 of this Law (Article 65 paragraph 3).

Responsible person in the legal entity shall be imposed a fine ranging between €500 to €4 000 for committing a misdemeanour referred to in paragraph 1 of this Article.

Entrepreneur shall be imposed a fine ranging between €1 000 to €12 000 for committing a misdemeanour referred to in paragraph 1 of this Article.

## **XV. TRANSITIONAL AND FINAL PROVISIONS**

### **Secondary Legislation**

#### **Article 88**

Secondary legislation for the implementation of this Law shall be adopted within two years from the day of entry into force of this Law.

Secondary legislation adopted on the basis of the Law on Environment (Official Gazette of the Republic of Montenegro 48/08) shall apply until the regulations referred to in paragraph 1 of this Article are adopted, unless contrary to this Law.

### **Deadline for Adopting Strategies and Plans**

#### **Article 89**

Strategies referred to in Articles 30, 31 and 36 shall be adopted within two years from the day of entry into force of this Law.

National Plan referred to in Article 34 of this Law shall be adopted within a year from the day of entry into force of this Law.

### **Deadline for Submitting Information**



### **Article 90**

Information on an existing seveso installation or compound referred to in Article 40 paragraph 3 item 2 of this Law shall be submitted within a year from the day of entry into force of this Law.

### **Deadline for the Safety Report and Incident Prevention Plan**

#### **Article 91**

Safety Report and Incident Prevention Plan for an existing seveso installation or compound referred to in Article 41 paragraph 3 item 2 of this Law shall be developed by the operator within 18 months as of the day of entry into force of this Law.

### **Establishment of the Eco Fund**

#### **Article 92**

Eco Fund shall be established within two years as of the day of entry into force of this Law at the latest.

Funds received from eco fees referred to in Article 77 of this Law shall be paid into the budget of Montenegro until the establishment of the Eco Fund.

### **Initiated Procedures**

#### **Article 93**

Procedures initiated until this Law enters into force shall be completed in line with the regulations that were in force until the entry into force of this Law.

### **Repeal**

#### **Article 94**

On the day of entry of this Law, the Law on Environment (Official Gazette of Montenegro No. 48/08, 40/10, 40/11 and 27/14), provisions of Article 35, indent 2, Article 36 and 38 to 41 of the Law on Environment (Official Gazette of the Republic of Montenegro 12/96) and Article 154 of the Law Amending the Law Prescribing Fines for Misdemeanours (Official Gazette of Montenegro 40/11) shall be repealed.

### **Entry into Force**

#### **Article 95**

This Law shall enter into force on the eighth day following that of its publication in the Official Gazette of Montenegro.